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PATENT DEPARTMENT (51851)
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EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/092,158
Filing Date: March 05, 2002
Appellant(s): WIES ET AL.

MAILED

AUG 09 2007

Technology Center 2100

Evan F. Weis
For Appellant

EXAMINER'S ANSWER

Art Unit: 2142

This is in response to the appeal brief filed on 20 February 2007 appealing from the Office action mailed 28 July 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 79-105 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, as shown in the non-final office action filed on 24 November 2004.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particular pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 79-105 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing point out and distinctly claim the subject matter which applicant regards as the invention, as shown in the non-final office action filed on 24 November 2004.

(10) Response to Argument

Ground 1: Rejection of claims 79-105 under 35 U.S.C. 112 first paragraph:

Point A, regarding claims 79 and 95, Appellant argued that “receiving an input signal from a network, the input signal comprising an embedded force feedback command” is enabled in the specification (Appellant’s remarks, page 8).

As to point (A), Appellant argued that “a signal” is a signal as defined in Microsoft Computer Dictionary, which is any electrical quantity, such as voltage, current or frequency that can be used to transmit information.

The “input signal” as claimed in claims 79 and 95, means you input some signal to something else. In these claims there is nothing to input the input signal.

It is clear that “a signal” is different from “input signal comprising an embedded force feedback command”.

Thus, the element of “receiving a force feedback command” is not enabled in specification.

Therefore, the rejection of claims 79 and 95 is proper and should be sustained.

Point (B), regarding claims 91 and 102, the element of “receiving a force feedback command” is enabled in specification (Appellant’s remarks, page 8).

As to point (B), Appellant cites 40 paragraphs to describe the element of “receiving a force feedback command”. Appellant assumes that ““when the author or user specifies a force feedback command, the force feedback command is received by the force-enabled authoring tool and embedded in a web page” which is not shown in

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specification. Thus, the element of "receiving a force feedback command" is not enabled in specification.

Therefore, the rejection of claims 91 and 102 is proper and should be sustained.

Point (C), regarding claims 86 and 97, Appellant argued that "overriding the first force feedback command with a second force feedback command" is enabled in specification (Appellant's remarks, page 9).

As to point (C), Appellant assumes that the elements of "the authored force feedback effect comprises the first force feedback command; the generic effect command comprises the second force feedback command" which are not shown in specification. It appears that "the force feedback command and force feedback effect are related". However, the force feedback command can cause the force feedback effect but the force feedback effect cannot cause the force feedback command. The meaning of "command" is different from the meaning of "effect". Therefore, overriding "the force feedback command" cannot ride over "the force feedback effect". Thus, the element of "overriding the first force feedback command with a second force feedback command" is not enabled in specification.

Therefore, the rejection of claims 86 and 97 is proper and should be sustained.

Point (D), regarding to claims 89 and 100, Appellant argued that the element of "generating a force feedback effect associated with the second force feedback command" is enabled in specification (Appellant's remarks, page 10).

As to point (D), one can assume that the ordinary skill in the art to understand the use of the terms "first" and "second". Applicant has not shown any evidence of the

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“second force feedback command” and the specification does not provide an adequate written description for the second force feedback command. Thus, the element of “generating a force feedback effect associated with the second force feedback command” is not enabled in specification.

Therefore, the rejection of claims 86 and 97 is proper and should be sustained.

Ground 2: Rejection of claims 79-105 under 35 U.S.C. 112 second

paragraph:

Point (E), regarding claim 79, Appellant argued, the use of the phrase “associated with” in the element of “the output signal is associated with the force feedback command” does not render claims 79-105 indefinite (Appellant’s remarks, page 11).

As to point (E), Appellant describes on page 12 of Appellant’s remarks, that “the association between force web page object” and “generic force effect”. However, the nature of this association between “the output signal” and “the force feedback command” cannot be ascertained clearly.

Therefore, the rejection of claims 79-105 is proper and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

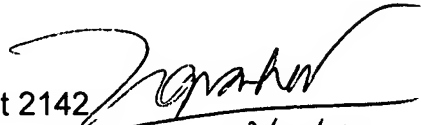
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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Hai V. Nguyen

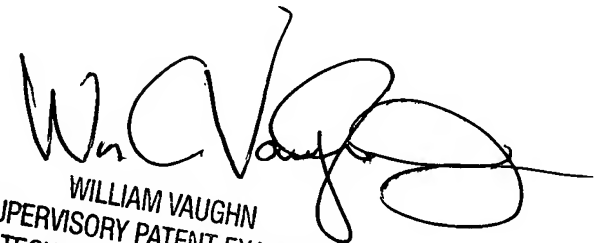
Examiner, Art Unit 2142


8/6/07

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